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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,047	04/22/2002	Johannes Schellmann	98580P078	6152

7590 04/27/2007
Blakely Sokoloff Taylor & Zafman
12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025-1026

EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/018,047

Applicant(s)

SCHELLMANN ET AL.

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is issued in response to the Appeal Brief filed 1/8/07.

Change of Assignment of the Examiner of Record

2. The applicant should note that the application has been assigned to the undersigned new Examiner.

Reopening of the Prosecution

3. In view of the Appellant's brief filed on **1/8/07** PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Response to the Arguments Presented in the Appeal Brief

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4. In consideration of the applicant's arguments presented in the Appeal Brief filed on 1/8/07, the prior rejection of claims 28-37 and 46-49 under 35 U.S.C. 102(e) as being anticipated by Hinkle and rejection of claims 38-45 and 50-54 under 35 U.S.C. 103(a) as being unpatentable over Hinkle in view of Sampson have been withdrawn.

The aforementioned pending claims have been carefully analyzed for compliance under 35 USC 101 and 35 USC 112 (second) requirements. The examiner's analysis is presented in the following sections under the respective categories.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 28-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Examiner's Note: Only representative claim 28 have been discussed where a plurality of claims contain similar deficiencies. Dependent claims also contain the cited deficiencies of the parent independent claim.

Claim 28: The claim recites step "providing at least one ledger structure having a store structure" then discusses the intended purpose of the providing step which in part recites "...for ordered storage of book data sets....". This latter part of the claim limitation merely describes the store structure in detail and it's intended purpose. It is asserted that the act of "providing at least one ledger structure having a store structure" does not depend on the specific purpose or use or intention for which the ledger structure is provided.

The claim recites limitations "forming an account object for each account", however it is not specified which account this limitation refers to.

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The claim recites “..which should effect a corresponding change of account values” which renders the claim indefinite because the scope of the claim is not clearly discerned. It is suggested that this (and other occurrences of the phrase “should be”) be replaced to read “..which effects a ..”.

The claim in step (a) under “recording of data” recites (selecting) “a ledger structure”, “an account object of a book account” and “at least one account object of a cross-account” as a function of the type of the transaction and “reading in “ of the data concerning the business transaction. Please clarify what relationship these elements (a) through (d) have with the steps of providing at least one ledger structure having a store structure and forming an account object for each object. In particular what “reading in of the data” has to do with the selecting recited in step (a). In the present form these relationships are not clearly specified. Appropriate correction is requested.

Step (c) recites sending the two partial entry data sets to the corresponding account objects of the book account..” which should contemporaneously effect corresponding changes of account values” . As discussed the use of phrase “should contemporaneously effect” be replaced to read “contemporaneously effects” to be a positive recitation.

The claim further recites the step of “reporting the data concerning the business transactions”, without specifying what data concerning the business transactions is being reported and what if any role steps (a) through (d) play in the reported data. In the present claim, any data concerning the business transactions can be reported. For example, the data referenced in the providing step (see lines 1-5 of the claim) can be reported without any intervening functionality.

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The limitations “the corresponding account objects” in limitation (c) lacks positive antecedent basis.

Finally, the claim is rendered indefinite because the fails to specify which specific data concerning the business transaction is read in for a selected ledger structure etc. and if this read in data in any way related to the data provided in the “providing” and “forming” steps. It is unclear as to what (useful and tangible) result is produced by execution of process steps (a) –(d) other than generating a generating a book data set and (at least) two partial entry data sets and storing the partial entry data sets in the corresponding store structure.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 28-54 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 28-54: The claimed invention as a whole must accomplish a practical application. That is, it must produce a “useful, concrete and tangible result.” State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of “real world” value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the practical application for the claimed

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invention, i.e., why the applicant believes the claimed invention is useful. Apart from the utility requirement of 35 U.S.C. 101, usefulness under the patent eligibility standard requires significant functionality to be present to satisfy the useful result aspect of the practical application requirement. See *Arrhythmia*, 958 F.2d at 1057, 22 USPQ2d at 1036. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make the invention eligible for patenting. For example, a claim directed to a word processing file stored on a disk may satisfy the utility requirement of 35 U.S.C. 101 since the information stored may have some "real world" value. However, the mere fact that the claim may satisfy the utility requirement of 35 U.S.C. 101 does not mean that a useful result is achieved under the practical application requirement. *The claimed invention as a whole must produce a "useful, concrete and tangible" result to have a practical application.*

8. Claims 28-54 directed to manipulating accounting data of a business transaction, transforming the data into a data structure and storing the data in a predefined data structure. However, merely organizing and storing the data in a data structure is abstract idea because no concrete and tangible result is produced. While the claim recites reporting the data concerning the business transaction, it is not deemed concrete and tangible (note that the reporting step fails to specify what data generated from the claim are reported and therefore fails to specify any relationship to the claimed process). Therefore, claimed invention(s) when viewed as a whole fail to produce a tangible, concrete and useful result and therefore is analyzed as non-statutory under 35 U.S.C. 101.

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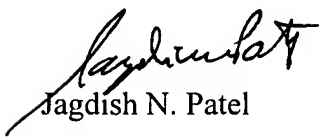
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jagdish N. Patel

(Primary Examiner, AU 3693)

4/22/07